

**REMARKS**

Reconsideration of the above-identified patent application as amended herein is respectfully requested. Claims 9, 12-13 and 16 are amended herein and claims 10-11 and 14-15 are cancelled. Of the claims, only claim 9 is independent.

In the Office Action of August 26, 2003, the Examiner noted that Applicants failed to file a certified copy of the priority document (German Patent Application No. 101 11 112.6-26). On January 28, 2004, Silvia Salvadori, an associate of the undersigned, contacted the Examiner to establish that a certified copy of the priority document had been filed on June 28, 2002. For the Examiner's convenience, the undersigned encloses herewith a copy of the certified copy of the priority document which was filed on June 28, 2002, and a copy of a stamped self addressed postcard showing it was received by the PTO.

In the Office Action, the Examiner rejected claims 14-16 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claims 14 and 15 are cancelled herein and claim 16 is amended to further clarify the invention and with consideration of the informalities noted in the Office Action. Claim 16 is now believed to overcome the rejection under 35 U.S.C. 112, second paragraph. Thus, in light of the amendment of claim 16, the withdrawal of the rejection under 35 U.S.C. 112, second paragraph, is respectfully requested.

In the Office Action, the Examiner rejected claims 9-10, 14, 9/16, 10/16, and 14/16 under 35 U.S.C. 102(b) as being anticipated by Nielsen et al. (US Patent 4,885,964, hereinafter US

'964), and rejected claims 9, 11, 9/16, and 11/16 under 35 U.S.C. 102(b) as being anticipated by Wehde (US Patent 4,211,135, hereinafter US '135).

Applicants respectfully traverse these rejections. In order to be anticipatory, a reference must describe "each and every element" with the condition that the identical invention must be shown in as complete detail as is contained in the claims. The prior art references clearly fail to meet the conditions of anticipatory references.

The presently claimed invention is directed to a lower blade shaft for a roller cutting machine with at least one lower blade for the lengthwise cutting of the foils and strips into sectors. The object of this invention is to provide for a lower blade shaft or roller cutting machine characterized by an acceptable variation of the cutting width and characterized by a significantly reduced set-up time for altering the cutting width even when the cutting method is changed from a shearing cut to a razor blade cut. This object is achieved by the features claimed in amended claim 9 as shown in Figures 2a and 2b, in which the lower blade shaft is used for a razor blade cutting method and for a shear cutting method, and in which the lower blades are designed to have dual cutting edges on the tongue of a keyway-tongue division of the lower blade shaft, the cutting edges having angles and the keyways having a minimum spacing width of 0.8 to 2 mm. Accordingly, amended claim 9 is directed to a lower blade shaft in which the set-up time is decreased when the cutting method is changed from a shearing cut to a razor blade cut, because the cutting edges comprise cutting angles which allow shear cutting and the width of the keyways is small enough to allow razor blade cutting without pressing the lower blade shaft profile onto the aluminum foil to be cut.

Amended claim 9 claims as follows:

“A lower blade shaft for a roller cutting machine for the lengthwise cutting of foils and strips into sectors with at least one lower blade, the lower blade shaft comprising:

a number of lower blades...; and

a number of cutting bushings,...

wherein the lower blades are designed to have dual cutting edges on a tongue of a keyway tongue division of the lower blade shaft, the dual cutting edges having cutting angles and the keyways **having a width of 0.8 to 2 mm**, so that **the lower blade shaft is usable for a razor blade cutting method and for a shear cutting method.**”

US ‘964 discloses web cutting machines, more particularly a tape slitter module with rotary knives. In particular, US ‘964 refers to a lower blade shaft comprising a plurality of circular knives spaced by spacers (see from column 3, line 63, to column 4, line 4, and figures 2 and 3). Thus, US ‘964 does not disclose the feature that the lower blade shaft comprises numerous cutting bushing having numerous lower blades. Moreover, the lower blade disclosed by US ‘964 does not allow a considerably reduced set up time like the presently claimed invention does. The reduced set-up time results in a significantly higher utilization of the machine run time which in turn leads to reduced costs for the cutting process. Due to the numerous circular knives and spacers which have to be mounted during the set-up, the lower blade shaft of US ‘964 requires a very long set-up time. Thus, the subject matter of amended independent claim 9 is not anticipated by US ‘964 and the withdrawal of the rejection under 35 U.S.C. 102((b) is respectfully requested.

US '135 discloses a machine for cutting a web of material and having groups of cutting elements of the bottom blade kind, the groups of cutting elements being arranged one beside the other on a cutting element group carrier. However, in order to realize a variation of the width of the sectors of  $\pm 0.5$  mm, US '135 discloses a device in which the cutting bushing moves axially, because the minimum spacing of the lower blades is 3 to 5 mm (column 2, lines 19 to 31 and column 2, lines 41 to 57). In addition, US '135 does not disclose the razor blade cutting method, because the razor blade cut does not provide the quality of the shearing cut (see column 2, lines 32 to 40). Thus, US '135 does not anticipate claim 9 which claims "a width of 0.8 to 2 mm and a lower blade shaft being usable for a razor blade cutting method **and** for a shear cutting method."

Accordingly, claim 9 is not anticipated or suggested by US '135 and the withdrawal of the rejection under 35 U.S.C. 102((b) is respectfully requested.

In the Office Action, the Examiner rejected claims 12-13, 15, 12/16, 13/16 and 15/16 under 35 U.S.C. 103(a) as being unpatentable over US '964. Applicants respectfully traverse this rejection. For the reasons set forth above it is believed that the claims are not rendered obvious by the prior art of record. MPEP 706.02(j) states that in order for the claims of the instant application to be obvious in light of the teachings of the cited reference, "...the prior art reference must teach or suggest all the claimed limitations."

US '964 discloses a lower blade shaft comprising circular knives. Claims 12-13, 15, 12/16, 13/16 and 15/16 disclose a lower blade shaft with numerous cutting bushings, each of which is characterized by numerous lower blades. Thus, US '964 does not disclose or suggest

Serial No.: 10/090,335

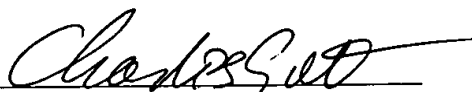
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the teaching of claims 12-13, 15, 12/16, 13/16 and 15/16 which are not rendered obvious by US '964. Accordingly, the withdrawal of rejection under 35 U.S.C. 103(a) is respectfully requested.

In view of the foregoing, it is believed that the present application is in condition for allowance and a favorable action on the merits is respectfully requested.

Respectfully submitted,

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Date: February 18, 2004

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Enclosure: Petition for a three month extension of time  
Supplemental Information Disclosure Statement  
Copy of the filing of the certified copy of the priority document